

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Jamarr R. Stone,

Plaintiff,

v.

Ohio Parole Board, et al.,

Defendants.

Case No: 2:21-cv-884

Judge Graham

Magistrate Judge Jolson

ORDER

This matter is before the court on the Magistrate Judge's January 11, 2023 Report and Recommendation (Doc. 74), which recommended this Court grant Defendants' Motion to Dismiss (Doc. 58) and Motion for Summary Judgment (Doc. 54) and enter judgment in favor of Defendants on all remaining claims. No objections have been filed.

As detailed in the Report and Recommendation, Plaintiff's parole consideration claims have been waived under the *Leaman* doctrine. Alternatively, these claims fail because Plaintiff has not alleged a constitutional violation of his due process rights against Defendants. Additionally, Plaintiff has not presented adequate facts that he was treated disparately to support his Fourteenth Amendment claim, nor has he sufficiently supported the subjective intent requirement of his Eighth Amendment conditions-of-confinement claim. Plaintiff has also failed to show that Defendant Jennings or Cimmento violated his First Amendment rights regarding his legal mail. Finally, Plaintiff has not sufficiently plead facts related to Plaintiff's First Amendment retaliation claim against Defendant Chambers-Smith.

Accordingly, the Court adopts the Magistrate Judge's thorough and well-reasoned Report and Recommendation. (Doc. 74). Defendants' Motion to Dismiss (Doc. 58) is **GRANTED** and Plaintiff's parole consideration claims are **DISMISSED**. Additionally, Defendants' Motion for Summary Judgment (Doc. 54) is **GRANTED**, and judgment is entered in favor of Defendants on all remaining claims.

DATE: February 15, 2023

s/James L. Graham
JAMES L. GRAHAM
United States District Judge